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B1 (Official Form 1)(12/11)		1 6	<u>, 1 01</u>	<u> </u>				
United Sout	States Bank hern District o	ruptcy C of New You	Court rk				Voluntary	Petition
Name of Debtor (if individual, enter Last, First Marin, Debra P.	, Middle):		Name	of Joint De	ebtor (Spouse	) (Last, First, M	iddle):	
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):  AKA Deborah Marin				All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):				
Last four digits of Soc. Sec. or Individual-Taxp (if more than one, state all)	ayer I.D. (ITIN) No.	/Complete EIN	Last fo	our digits o		· Individual-Tax	payer I.D. (ITIN) N	o./Complete EIN
Street Address of Debtor (No. and Street, City, 10 Columbus Ave Valhalla, NY	and State):		Street	Street Address of Joint Debtor (No. and Street, City, and State):				
	Γ	ZIP Code <b>10595</b>	-					ZIP Code
County of Residence or of the Principal Place of Westchester	of Business:	10000	Count	y of Reside	ence or of the	Principal Place	of Business:	•
Mailing Address of Debtor (if different from str	reet address):		Mailir	ng Address	of Joint Debt	or (if different f	rom street address):	
	-	ZIP Code						ZIP Code
Location of Principal Assets of Business Debto (if different from street address above):	r		1					
Type of Debtor	Nature	of Business					Code Under Whi	ch
(Form of Organization) (Check one box)  ■ Individual (includes Joint Debtors)  See Exhibit D on page 2 of this form.  □ Corporation (includes LLC and LLP)  □ Partnership  □ Other (If debtor is not one of the above entities, check this box and state type of entity below.)	(Chec	efined	☐ Chapt ☐ Chapt ☐ Chapt ☐ Chapt ☐ Chapt	oter 1 Chapter 15 Petition for Recognition of a Foreign Main Proceeding oter 12 Chapter 15 Petition for Recognition				
Chapter 15 Debtors	Other Tow Ev	empt Entity				Nature of (Check or		
Country of debtor's center of main interests:  Each country in which a foreign proceeding by, regarding, or against debtor is pending:	(Check bo Debtor is a tax-e under Title 26 o Code (the Intern	es	■ Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as business debts.  "incurred by an individual primarily for a personal, family, or household purpose."					
Filing Fee (Check one bo  Full Filing Fee attached  Filing Fee to be paid in installments (applicable to attach signed application for the court's considerar debtor is unable to pay fee except in installments. Form 3A.	o individuals only). Mution certifying that the	st	otor is a sr otor is not otor's aggr	a small businegate nonco \$2,343,300 (	debtor as defin ness debtor as d		101(51D).	
Filing Fee waiver requested (applicable to chapter attach signed application for the court's considerate.		fust ☐ A p 3B. ☐ Acc	olan is bein ceptances	ng filed with of the plan w	this petition. vere solicited pr S.C. § 1126(b).	repetition from on	e or more classes of cr	editors,
Statistical/Administrative Information  Debtor estimates that funds will be available	a for distribution to a	incacurad cradi	tore			THIS SP	ACE IS FOR COURT	USE ONLY
Debtor estimates that, after any exempt properthere will be no funds available for distribute	perty is excluded and	l administrative		es paid,				
Estimated Number of Creditors	1,000- 5,000 5,001- 10,000		] 5,001- 0,000	50,001- 100,000	OVER 100,000			
Estimated Assets  So to \$50,001 to \$100,001 to \$500,001 to \$100,000 to \$100,00	\$1,000,001 \$10,000,002 to \$10 to \$50 million million	to \$100 to	] 100,000,001 5 \$500 nillion	\$500,000,001 to \$1 billion	More than \$1 billion			
Estimated Liabilities	\$1,000,001 \$10,000,000 to \$10 to \$50		] 100,000,001 \$500	\$500,000,001 to \$1 billion				

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**B1** (Official Form 1)(12/11) Page 2 Name of Debtor(s): **Voluntary Petition** Marin, Debra P. (This page must be completed and filed in every case) All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet) Location Case Number: Date Filed: Where Filed: - None -Location Date Filed: Case Number: Where Filed: Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet) Name of Debtor: Case Number: Date Filed: - None -District: Relationship: Judge: Exhibit B Exhibit A (To be completed if debtor is an individual whose debts are primarily consumer debts.) (To be completed if debtor is required to file periodic reports (e.g., I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, forms 10K and 10Q) with the Securities and Exchange Commission 12, or 13 of title 11, United States Code, and have explained the relief available pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 under each such chapter. I further certify that I delivered to the debtor the notice and is requesting relief under chapter 11.) required by 11 U.S.C. §342(b). ☐ Exhibit A is attached and made a part of this petition. X /s/ Gary R. Gjertsen, Esq **September 17, 2012** Signature of Attorney for Debtor(s) (Date) Gary R. Gjertsen, Esq GRG3410 Exhibit C Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? Yes, and Exhibit C is attached and made a part of this petition. No. Exhibit D (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: ☐ Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition. Information Regarding the Debtor - Venue (Check any applicable box) Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. П Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District. Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes) Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.) (Name of landlord that obtained judgment) (Address of landlord) Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition. Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).

B1 (Official Form 1)(12/11)

Page 3

## **Voluntary Petition**

(This page must be completed and filed in every case)

## Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

### X /s/ Debra P. Marin

Signature of Debtor Debra P. Marin

X.

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

**September 17, 2012** 

Date

#### Signature of Attorney\*

### X /s/ Gary R. Gjertsen, Esq.

Signature of Attorney for Debtor(s)

#### Gary R. Gjertsen, Esq GRG3410

Printed Name of Attorney for Debtor(s)

Clair & Gjertsen, Esqs.

Firm Name

720 White Plains Roadd Scarsdale, NY 10583

Address

### Email: clairgjertsen@cs.com

### 914-472-6202 Fax: 914-472-1936

Telephone Number

## **September 17, 2012**

Date

\*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

### Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

Name of Debtor(s):

Marin, Debra P.

#### Signatures

#### Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

- ☐ I request relief in accordance with chapter 15 of title 11. United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.
- ☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X

Signature of Foreign Representative

Printed Name of Foreign Representative

Date

### **Signature of Non-Attorney Bankruptcy Petition Preparer**

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social-Security number (If the bankrutpcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.)(Required by 11 U.S.C. § 110.)

Date

Address

Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. §110; 18 U.S.C. §156.

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## United States Bankruptcy Court Southern District of New York

Disclosure of Compensation to 1 U.S.C. § 329(a) and Bankruptcy Rule 2016(b). I certify that I am the attorney for the above-anamed debtor and that compensation paid to me within one year before the filing of the petition in bankruptcy: or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:  For legal services, I have agreed to accept  S 3,219.00  Prior to the filing of this statement I have received  Balance Due  S 3,219.00  Balance Due  S 0.00  S 2, \$281.00  Of the filing fee has been paid.  The source of the compensation paid to me was:  Debtor  Other (specify):  The source of compensation to be paid to me is:  Debtor  Other (specify):  The source of compensation to be paid to me is:  The source of compensation to be paid to me is:  The source of the compensation to the paid to me is:  The source of compensation to the paid to me is:  The relative of the compensation to the paid to me is:  The source of the compensation to the paid to me is:  The source of compensation to be paid to me is:  The source of compensation to the paid to me is:  The source of the compensation to the paid to me is:  The source of the compensation to the paid to me is:  The source of compensation to the paid to me is:  The source of compensation to the paid to me is:  The source of compensation to the paid to me is:  The source of compensation to the paid to me is:  The source of compensation to the paid to me is:  The source of compensation to the paid to me is:  The source of compensation to the paid to me is:  The source of compensation to the paid to me is:  The source of compensation to the paid to me was:  The source of compensation to the paid to me was:  The source of compensation to the paid to me was:  The source of compensation to the paid to me was:  The source of compensation to the paid to me was:  The source of compensation to the paid to me was:  The source of compensation to the paid to me was:  The so	In r	e Debra P. Marin		Case No.	
1. Pursuant to 11 U.S.C. § 329(a) and Bankruptcy Rule 2016(b), I certify that I am the attorney for the above-named debtor and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:  For legal services, I have agreed to accept \$ 3,219.00  Prior to the filing of this statement I have received \$ 3,219.00  Balance Due \$ 3,219.00  Balance Due \$ 0.00  2. \$ 281.00 of the filing fee has been paid.  3. The source of the compensation paid to me was:  Debtor Other (specify):  4. The source of compensation to be paid to me is:  Debtor Other (specify):  5. I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.  6. In return for the above-disclosed (e.g. I have agreed to render legal service for all aspects of the bankruptcy case, including:  a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy; b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required; c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof; d. [Other provisions as needed]  Negotiations with secured creditors to reduce to market value; exemption planning; preparation and filing of reaffirmation agreements and applications as needed; preparation and filing of motions pursuant to 11 USC 522(f)(2)(A) for avoidance of liens on household goods.  7. By agreement with the debtor(s), the above-disclosed fee does not include the following service:  Representation of the debtors in any dischargeability actions, judicial lien avoidances, relief from stay actions or any other			Debtor(s)	Chapter	13
compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:  For legal services, I have agreed to accept  Prior to the filing of this statement I have received  \$ 3,219.00  Balance Due  \$ 0.00  Salto of the filing fee has been paid.  The source of the compensation paid to me was:  Debtor Other (specify):  The source of compensation to be paid to me is:  Debtor Other (specify):  I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.  In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:  a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy; b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required.  C. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof; d. [Other provisions as needed]  Negotiations with secured creditors to reduce to market value; exemption planning; preparation and filing of reaffirmation agreements and applications as needed; preparation and filing of motions pursuant to 11 USC 522(I)(2)(A) for avoidance of liens on household goods.  By agreement with the debtor(s), the above-disclosed fee does not include the following service:  Representation of the debtors in any dischargeability actions, judicial lien avoidances, relief from stay actions or any other adversary proceeding.  CERTIFICATION  I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in th		DISCLOSURE OF COMPENSA	ATION OF ATTOR	NEY FOR DE	EBTOR(S)
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Balance Due \$ 0.00  \$ \$281.00 of the filing fee has been paid.  3. The source of the compensation paid to me was:  Debtor Other (specify):  4. The source of compensation to be paid to me is:  Debtor Other (specify):  5. If I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.  6. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptey case, including:  a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptey; b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required:  c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;  d. [Other provisions as needed]  Negotitations with secured creditors to reduce to market value; exemption planning; preparation and filing of reaffirmation agreements and applications as needed; preparation and filing of motions pursuant to 11 USC 522(f)(2)(A) for avoidance of liens on household goods.  7. By agreement with the debtor(s), the above-disclosed fee does not include the following service:  Representation of the debtors in any dischargeability actions, judicial lien avoidances, relief from stay actions on any other adversary proceeding.  CERTIFICATION  I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.  Dated: September 17, 2012    September 18, Gary R, Gjertsen, Esq. Gary R, Gjertsen, Esq. Gary R, Gjertsen, Esq. Fax: 914-472-1936		For legal services, I have agreed to accept		. \$	3,219.00
2. \$		Prior to the filing of this statement I have received		. \$	3,219.00
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4. The source of compensation to be paid to me is:  ■ Debtor □ Other (specify):  5. ■ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm. I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.  6. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:  a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;  b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;  c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;  d. [Other provisions as needed]  Negotiations with secured creditors to reduce to market value; exemption planning; preparation and filing of reaffirmation agreements and applications as needed; preparation and filing of motions pursuant to 11 USC 522(f)(2)(A) for avoidance of liens on household goods.  7. By agreement with the debtor(s), the above-disclosed fee does not include the following service:  Representation of the debtors in any dischargeability actions, judicial lien avoidances, relief from stay actions of any other adversary proceeding.    CERTIFICATION   I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.    September 17, 2012   /s/ Gary R. Gjertsen, Esq GRG3410   Clair & Gjertsen, Esq GRG3410   Clair & Gjertsen, Esq. 720 White Plains Roadd   Scarsdale, NY 10583   914-472-6202   Fax: 914-472-1936   Plain Roadd   Plai	3.	The source of the compensation paid to me was:			
■ Debtor		■ Debtor □ Other (specify):			
5. In a lawe not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.  I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.  6. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:  a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;  b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;  c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;  d. [Other provisions as needed]  Negotiations with secured creditors to reduce to market value; exemption planning; preparation and filing of reaffirmation agreements and applications as needed; preparation and filing of motions pursuant to 11 USC 522(f)(2)(A) for avoidance of liens on household goods.  7. By agreement with the debtor(s), the above-disclosed fee does not include the following service:  Representation of the debtors in any dischargeability actions, judicial lien avoidances, relief from stay actions or any other adversary proceeding.  CERTIFICATION  I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.  September 17, 2012  //s/ Gary R. Gjertsen, Esq Gary R. Gjertsen, Esq GRG3410 Clair & Gjertsen, Esq GRG3410 Clair & Gjertsen, Esq GRG3410 Clair & Gjertsen, Esq S. 720 White Plains Roadd Scarsdale, NY 10533 914-472-6202 Fax: 914-472-1936	4.	The source of compensation to be paid to me is:			
□ I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.  6. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:  a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;  b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;  c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;  d. [Other provisions as needed]  Negotiations with secured creditors to reduce to market value; exemption planning; preparation and filing of reaffirmation agreements and applications as needed; preparation and filing of motions pursuant to 11 USC 522(f)(2)(A) for avoidance of liens on household goods.  7. By agreement with the debtor(s), the above-disclosed fee does not include the following service:  Representation of the debtors in any dischargeability actions, judicial lien avoidances, relief from stay actions of any other adversary proceeding.  CERTIFICATION  I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.  Dated:  September 17, 2012  // September 18, September 19, 2012  // September 20, 20, 20, 20, 20, 20, 20, 20, 20, 20,		■ Debtor □ Other (specify):			
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a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy; b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required; c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof; d. [Other provisions as needed]  Negotiations with secured creditors to reduce to market value; exemption planning; preparation and filing of reaffirmation agreements and applications as needed; preparation and filing of motions pursuant to 11 USC 522(f)(2)(A) for avoidance of liens on household goods.  7. By agreement with the debtor(s), the above-disclosed fee does not include the following service:  Representation of the debtors in any dischargeability actions, judicial lien avoidances, relief from stay actions or any other adversary proceeding.  CERTIFICATION  I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.  Dated:  September 17, 2012  //s/ Gary R. Gjertsen, Esq Figure 1918 Roadd Scarsdale, NY 10583 914-472-6202 Fax: 914-472-1936					
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this bankruptcy proceeding.  Dated: September 17, 2012  /s/ Gary R. Gjertsen, Esq  Gary R. Gjertsen, Esq GRG3410  Clair & Gjertsen, Esqs.  720 White Plains Roadd  Scarsdale, NY 10583  914-472-6202 Fax: 914-472-1936		CF	ERTIFICATION		
Gary R. Gjertsen, Esq GRG3410 Clair & Gjertsen, Esqs. 720 White Plains Roadd Scarsdale, NY 10583 914-472-6202 Fax: 914-472-1936	this		eement or arrangement for pa	ayment to me for re	epresentation of the debtor(s) in
Gary R. Gjertsen, Esq GRG3410 Clair & Gjertsen, Esqs. 720 White Plains Roadd Scarsdale, NY 10583 914-472-6202 Fax: 914-472-1936	Date	d: <b>September 17, 2012</b>	/s/ Gary R. Gjertser	n, Esq	
720 White Plains Roadd Scarsdale, NY 10583 914-472-6202 Fax: 914-472-1936			Gary R. Gjertsen, E	sq GRG3410	
914-472-6202 Fax: 914-472-1936					
clairgjertsen@cs.com			clairgjertsen@cs.c		

# UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

## NOTICE TO CONSUMER DEBTOR(S) UNDER § 342(b) OF THE BANKRUPTCY CODE

In accordance with § 342(b) of the Bankruptcy Code, this notice to individuals with primarily consumer debts: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case.

You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

Notices from the bankruptcy court are sent to the mailing address you list on your bankruptcy petition. In order to ensure that you receive information about events concerning your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address. If you are filing a **joint case** (a single bankruptcy case for two individuals married to each other), and each spouse lists the same mailing address on the bankruptcy petition, you and your spouse will generally receive a single copy of each notice mailed from the bankruptcy court in a jointly-addressed envelope, unless you file a statement with the court requesting that each spouse receive a separate copy of all notices.

### 1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days before the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies. Each debtor in a joint case must complete the briefing.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses. Each debtor in a joint case must complete the course.

## 2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

### Chapter 7: Liquidation (\$245 filing fee, \$46 administrative fee, \$15 trustee surcharge: Total Fee \$306)

Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, the United States trustee (or bankruptcy administrator), the trustee, or creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.

Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.

The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.

Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

# <u>Chapter 13</u>: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$46 administrative fee: Total fee \$281)

Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over

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Form B 201A, Notice to Consumer Debtor(s)

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a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.

Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.

After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

### Chapter 11: Reorganization (\$1000 filing fee, \$46 administrative fee: Total fee \$1046)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

### Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$46 administrative fee: Total fee \$246)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

### 3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

**WARNING:** Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court. The documents and the deadlines for filing them are listed on Form B200, which is posted at <a href="http://www.uscourts.gov/bkforms/bankruptcy\_forms.html#procedure">http://www.uscourts.gov/bkforms/bankruptcy\_forms.html#procedure</a>.

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B 201B (Form 201B) (12/09)

## **United States Bankruptcy Court** Southern District of New York

In re	Debra P. Marin		Case No.	
		Debtor(s)	Chapter	13
		N OF NOTICE TO CONSUME 342(b) OF THE BANKRUPTC		R(S)
Code.	I (We), the debtor(s), affirm that I (we) h	Certification of Debtor nave received and read the attached notice	ce, as required	by § 342(b) of the Bankruptcy
Debra	P. Marin	X /s/ Debra P. Mari	in	September 17, 2012
Printe	d Name(s) of Debtor(s)	Signature of Deb	tor	Date
Case N	No. (if known)	X		
		Signature of Joint	t Debtor (if any	) Date

Instructions: Attach a copy of Form B 201 A, Notice to Consumer Debtor(s) Under § 342(b) of the Bankruptcy Code.

Use this form to certify that the debtor has received the notice required by 11 U.S.C. § 342(b) **only** if the certification has **NOT** been made on the Voluntary Petition, Official Form B1. Exhibit B on page 2 of Form B1 contains a certification by the debtor's attorney that the attorney has given the notice to the debtor. The Declarations made by debtors and bankruptcy petition preparers on page 3 of Form B1 also include this certification.

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## **United States Bankruptcy Court** Southern District of New York

In re	Debra P. Marin	Debtor(s	Case No. Chapter	13
		VERIFICATION OF CRE	DITOR MATRIX	

Date: September 17, 2012

**Debra P. Marin**Signature of Debtor

/s/ Debra P. Marin

The above-named Debtor hereby verifies that the attached list of creditors is true and correct to the best of his/her knowledge.

BANK OF AMERICA, N.A. 450 AMERICAN ST SIMI VALLEY, CA 93065

CHASE PO BOX 15298 WILMINGTON, DE 19850

ESTATE OF ANA BEATRIZ MARIN 1762 ROUTE 6 CARMEL, NY 10512

THD/CBNA
PO BOX 6497
SIOUX FALLS, SD 57117